

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**TIPPLE ENTERPRISE, LLC,**

**Plaintiffs,**

**v.**

**CIVIL ACTION NO. 1:13cv146**

**KINGSFORD MANUFACTURING COMPANY,**

**Defendant and Counterclaimant.**

**ORDER/OPINION**

Defendant Kingsford Manufacturing Company's ("Kingsford") filed a Motion to Compel [DE 27] on November 18, 2013. Plaintiff Tipple Enterprise, LLC ("Tipple") did not file a response to the motion. This matter was referred to the undersigned by United States District Judge Irene M. Keeley on November 20, 2013 [DE 28]. On December 11, 2013, the Court granted Kingsford's Motion to Compel [DE 32]. In accord with F.R.Civ.P. 37(a)(5)(A), the Court directed Kingsford to submit and serve on Tipple's counsel of record its claim for "reasonable expenses," if any, including attorneys' fees, necessitated by the conduct of the party and / or party's attorney which necessitated the filing and prosecution of the subject motion to compel by December 17, 2013. Kingsford filed its "Statement of Reasonable Costs and Expenses" on December 17, 2013 [DE 37].

The Court gave Tipple until December 31, 2013, to file any written objection it may have to the reasonableness of the claimed expenses. The Court advised that only in the event Kingsford file a claim for expenses and Tipple timely objected, would the Court schedule a hearing on the reasonableness of the fees and costs claimed.

As of January 2, 2014, Tipple has not filed any objection to the costs and expenses claimed by Kingsford, and the time has passed for it to do so. The Court nevertheless must make an independent review and determination as to whether the costs and expenses claimed are reasonable.

Upon review of the Motion to Compel and the attachments thereto, the Court finds the number of hours claimed and the hourly rate claimed are reasonable.

Consistent with Court's prior order, Plaintiff is **ORDERED** to pay the sum of \$1,172.00 to counsel for Defendant within thirty (30) days of the entry of this order.

**IT IS SO ORDERED.**

The Clerk is directed to provide a copy of this order to counsel of record.

DATED: January 3, 2014.

s/ *John S. Kaul*

**JOHN S. KAUL**

**UNITED STATES MAGISTRATE JUDGE**